

## Osce Mission in Kosovo, Stop or Continue

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Doi:10.5901/ajis.2014.v3n3p201

### Abstract

*What was the role of the OSCE in Kosovo in the past, as are addressed effectively and in the future in counseling and support for institutions and politics, especially in strengthening democracy, as vital to the prospects of Kosovo. Is OSCE also extremely necessary to play a role in cooperation with institutions in support political parties, as well as in other sovereign countries in the region that the OSCE is involved such as mission?. Where OSCE continues to have positive role still ongoing mandate in Kosovo to help many different projects as in higher education in public universities, cognitive and educational projects of universities, the judiciary, and not the acts of violence rule of law as weak points to be improved and necessary for Kosovo. Currently the mission is conducting a number of activities in Kosovo, many of which have helped EUPT (European Union Planning Team for Kosovo), for information regarding the EULEX Mission in planning and has been especially helpful for teams of Police and Justice as complementary to each other. Therefore OSCE occasionally is in a sensitive position to stop acting or continue walking in Kosovo?. But one thing should be noted that he still needs to continue to support, contribute to Kosovo's efforts to continue democratic principles, to build a transparent society and governance practices to adhere better to the members of the communities in Kosovo. Supervision required in future electoral processes, political, to advance reforms in local governance, judicial reform for all citizens in realizing the vision towards Europe, in cooperation with the EULEX mission will be a direct push and guarantor for the European future Kosovo and will need to be continued for a long time to build and order in Kosovo issues important to the finalization of the process towards the EU. The need and the presence of this mission will be a necessity within medium to improve many sectors with a European standard.*

OSCE is one of the international organizations, which differs from other European Security Institutions, the support that has brought this last decade because it was not created to act on the basis of international law, but is always considered as a special body that led to the creation and organization of permanent institutions in a limited scale (Gashi, 2008). In this organization almost all decisions are taken with consensus of all participating states. Based on Chapter III of the Helsinki Resolution which is fully dedicated to forewarning and conflict prevention, conflict management and peaceful settlement of the disputes (including here OSBE missions with objective of facts gathering, reporting and peacekeeping), whereby OSCE deployed to Kosovo its representatives since 1992 with the main purpose of the prevention and conflict resolution.

The European Union supported the OSCE Observers Mission, with objective of promoting the dialogue between the Serbian government and Kosovo representatives. The main goal of this mission was gathering information on the violation of human rights, providing assistance on drafting the legislation on minority rights, freedom of media and democratic elections, supporting and maintaining law and order, providing humanitarian assistance and medical relief, and as well as providing support to refugees.

OSCE Observers Mission of was supported and safeguarded by NATO forces which were stationed in the Republic of Macedonia, which was directed and commanded by the representative of the French military command within the NATO Alliance. This force, based on its authority, was programmed for rapid respond in case of any necessity during the process of OSCE mission withdrawal from Kosovo. This was the largest mission undertaken by OSCE since its establishment. The Head Quarter of the Mission was stationed in Pristine, with mission representations in five Kosovo regions/cities, and several field offices.

The terror of police, military and paramilitary forces upon the civilian population reached the critical point when those forces, on 15 January 1999 in the village of Recak, Municipality of Shtime, murdered and massacred over 45 unarmed villagers of different ages and genders (Ukshini, 2008). This action of terror, the Head of OSCE Observers in Kosovo qualified as genocide (massacre) and urged international organizations for immediate intervention to punish

Belgrade for non-fulfillment of the duties and responsibilities foreseen by the mandated of this mission. From this moment the work of the observer's mission on the field was very difficult, while the Belgrade Authorities publicly declared William Walker as person non-grata in this mission, accusing him for unilateral stand on the Albanian side and gave him an ultimatum of the 48 hours to leave immediately Kosovo territory of and form the territory of remaining Yugoslavia (Ukshini, 2008).

When Holbrooke-Milosevic Agreement could not be realized, on that time the tragedy and massacres of innocent people were condemned immediately by all relevant international mechanisms such as the Secretary General of the United Nations Mr. Koffi Annan, EU, OSCE etc. Strong reactions were made by different personalities from the world such as e.g.: U.S. President Bill Clinton declared: *"This is a premeditated murder, committed to sow fear among the people in Kosovo and an obvious violation of the obligations which the Serbian side has taken with the agreement of October"*.

After the massacre of the Racak, the international community began to move forward with concrete steps towards resolving the status of Kosovo. At that time all actors such as the UNO, OSCE, and NATO since 30<sup>th</sup> of January 1999 agreed that political decision should be made to resolve the Kosovo issue. International Consensus decided the date 20<sup>th</sup> February as the deadline for the implementation by Milosevic of all international agreements on Kosovo (Bashkurti, 2008).

In this context, the Racak massacre and its correct judgment by the OSCE Ambassador in Kosovo William Walker was a key which led to the convocation of an international conference for Kosovo in Rambouillet - France (Bajrami, 2002). Kosovo at the end of this century had become the largest international problem which required settlement of the right solution. The issue which raised major debates, doubts, contradictions, dilemmas and reflections at the end of the twentieth century, was undoubtedly the issue of Kosovo (Buja 2007). Public policy of the OSCE and international public diplomacy changed the course of international standpoint towards Kosovo (Bashkurti, 2008).

The Statement that pushed forward the international community and western countries diplomacy was driven especially by American diplomacy. The True picture presented by William Walker, the disclosure of Serbian regime and stigmatizing of Milosevic by powerful international media were the best reflection of what was really happening in Kosovo. After the failure of international efforts to find a solution, on 19 March 1999, the Chairman of OSCE, a Norwegian called Knut Vollebaek ordered immediate withdrawal of this mission, because the only alternative that remained was forcibly imposed solution.

For Kosovo, UN Security Council Resolution 1244, adopted on 10 June 1999, marked the end of the war, the withdrawal of Serbian military & police forces and deployment of KFOR troops. This resolution is related almost entirely to the security issue, which arises from the mandate of the Security Council for "Maintenance of International Peace and Security" (Resolution 1244).

The work of the OSCE Mission in Kosovo was established based on Decision No. 305 of the Permanent Council of the OSCE, on 1<sup>st</sup> July 1999. Adapting to new conditions that were created in Kosovo after the war, as well as with approval of Resolution 1244 (1999) of the Security Council of the United Nations, the Council Security determined that the OSCE would operate within the overall framework of UNMIK and that its lead role will be in matters relating to institution and democracy building and human rights.

OSCE, based in Helsinki final document took the decision to fulfill its mission in concentrating its work on following areas: ([glossary.omik @ osce.org](http://glossary.omik@osce.org)).

- ✓ Protection of communities rights, including education, language, culture, non-discrimination and property rights;
- ✓ Local governance reform in order to improve the quality of services and public participation in decision-making;
- ✓ Rule of law and human rights, monitoring within municipalities, courts and police;
- ✓ Supporting further development of independent institutions that work with human rights, rule of law and elections;
- ✓ Co-ordination in anti-trafficking efforts;
- ✓ Improving the procedures of Parliament and supervising role over the executive, and the participation of all communities within;
- ✓ Further development of public safety, including police, customs, correctional services, and fire and rescue brigades and strengthening of electronic media regulators.

Overall activity and the contribution of the OSCE in Kosovo was very important, because Kosovo society came out from a classic conquest (occupation) entirely deprived of institutional life therefore it required support from the international community to build and form the democratic institutions. OSCE as a security instrument had no objective to use imposing mechanisms towards Kosovo institutions, but use of cooperation mechanisms between different local and

international actors, to support political developments and building up the security and safety, preventive democracy, environmental protection, as a direct necessity of the occurrence developed in Kosovo (Bashkurti, 2006). Based on the division of responsibility of international organizations in Kosovo, OSCE was tasked to carry out aspects of democracy, which constituted one of the fundamental pillars of the post-crisis and its prospects of building civil society and of the state of Kosovo.

OSCE Mission played and continues playing a significant role in building the security sector through cooperation with the Provisional Institutions of Self-Government (PISG) of Kosovo, with particular emphasis has supported the establishment of institutions with special interest for Kosovo's state-building such as: Kosovo Police Service (now Kosovo Police); Fire and Rescue Service, Correctional Service and Customs Service of Kosovo; as well as Kosovo Judicial Institute and Kosovo Police Inspectorate.

To achieve intended objectives in the field of security, the OSCE supported PISG to establish Kosovo Center for Public Safety Education and Development for enhancing of these services in Vushtri. Moreover, OSCE is making a great contribution in the field of legislation, especially to past legislatures and monitoring of the parliamentary.

After the declaration of independence, prospect and mandate of this mission it was reduced to counseling, advising and supporting of the institutions in the security and justice sector. Therefore the impact of the OSCE, the EU and the international community it had their efforts on dialogue and peacekeeping because due to lack of interest of Serbia to make compromise with the Albanian side, had become imperative for the EU to find a way to calm down relations in the region, and urged the international community to act quickly. Upon seeing these reality, UN Security Council on 23 September 1998 adopts Resolution 1199, (with China abstaining) whereby demanded a ceasefire and stated that: "should the concrete measures demanded in this resolution, not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region" (Mason & King, 2007).

This pressure obliged Kosovo Verification Mission organized by the OSCE to begin deployment of over two thousand OSCE observers throughout Kosovo, at November 1998, after pressure made by EU, Contact Group and NATO which resulted with not much success over Serbia but however international monitors relaxed the situation somehow but not also the people of Kosovo. The scope of this mission undertook a meeting thereafter, with Milosevic-Holbrooke (King and Mason, 2007), where the EU took the "promise" of Milosevic that he would abide by this resolution, which envisaged the deployment of OSCE Verification Mission throughout Kosovo.

The purpose of the OSCE was to carry out the Verification Mission in Kosovo, and observation of the overall situation in field (OSCE Report, 1999). OSCE Mission is one of the major international missions, which was involved in the processes of protection and promotion of human rights and building of institution in Kosovo. This mission had its main objective the policy development and building security institutions, preventive democracy, environmental security, as a direct substantiation of the events that took place in Kosovo. OSCE carried out efforts for stability, prosperity and democracy. Through common values, political dialogue and practical work, the organization asserted to bring sustainable and significant changes in Kosovo. OSCE Mission in Kosovo has been among the largest operations in the field that is ever taken in the history of the OSCE. This presence, until the declaration of independence, had employed a great number of international and local staff with significant involvement of the mission.

The OSCE Mission in Kosovo was founded by the Permanent Council of OSCE in June 1999, after the end of war and withdrawal of Serbian forces from Kosovo territory, which decided that the OSCE should operate within third pillar of UNMIK and to take leading role in matters relating to institution and democracy building and human rights. This mission has had its competences in five major areas: human rights and the rule of law; policy development and education; democratization as well as organizing and supervision of the elections (<http://www.osce.org/kosovo/13194.html>).

This mission carried out the most important challenges to its missions in a country like Kosovo, which involved immediately after the war to put efforts on building this country from the foundation in respect to political and economical aspects, to maintain security and fragile stability. All these successes which have been achieved brought the future of democracy into Kosovo by this mission longest operation since before the war and after independence.

Kosovo Independence Declaration Act, made the OSCE mission to clarify its the role for the future continuation , because taking to account the fact since 1999 OSCE has been the third pillar of UNMIK, responsible for building democratic and multi-ethnic institutions in Kosovo. OSCE Mission in Kosovo as a central part of the reconfiguration of UNMIK (based on Ban-Ki Moon, 6 points plan), after reduction of UNMIK and its final departure, should give more space to OSCE and a greater role also in the future. (Organization for Security and Co-operation in Europe, Permanent Council, Decision. No.305, PC.DEC/305, 1 July 1999).

Today, the role of the OSCE continues to be active in the ongoing processes and indispensable for a democratic future, on establishment and improvement of educational processes, on correct monitoring of many political sectors within Kosovo, and as a reflection of Kosovo processes towards Europe.

Although the OSCE has been neutral to some extent towards the status of Kosovo, this mission went step by step, changing, and reducing his role after the Status, whereby changing and its positioning in a close circle of supervising and monitoring of various issues in Kosovo. The role of the OSCE, after Independence practically has being addressed moreover on aspects relating to counseling, advising and supporting for institutions and Kosovo politics, especially in strengthening democracy, which is of vital importance to the perspective of Kosovo ("Infopress", October 4, 2008).

OSCE will be sought to play a crucial role for cooperation with Kosovo institutions and to provide assistance to political parties. The positioning of the OSCE, regarding cooperation in Kosovo at present it has facilitating approach towards engagement in processes and cooperation with EULEX, as well as with other organizations, various European missions which are indispensable for Kosovo. Moreover, OSCE will have a positive role to play with continuation of its mandate in Kosovo with assistance in various projects for higher education among the public universities, cognitive and educational projects to universities, and will continue even after the mandate of this mission.

OSCE mission has been very valuable and will be essential for a long time to build-up law and order in Kosovo and other important issues until the finalization of process of accession towards the EU. Therefore OSCE intermittently is in a sensitive position, ("Kosova Sot", 3. February 2009) but determined to continue to support Kosovo's efforts to towards democratic principles, building up a transparent society and best practices of the governance and adhere better to the members of the communities in Kosovo. Supervision and monitoring of election and political processes to advance the reforms in local governance, judicial reforms for all citizens in realizing their vision towards Europe, in cooperation with the EULEX mission will be a direct drive and guarantor for the European future of Kosovo.

OSCE presence from the past till present has made significant progress in the protection of human rights, and moreover this mission bears responsibility upon in terms of protection of the freedom of expression through the recent changes to the Criminal Code. Therefore, necessity and the presence of this mission will be a constant requirement in the medium terms to enable improving many sectors up to European standard.